

# Domestic Violence Courts in New York State

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# NYS PROBLEM SOLVING COURTS

- DRUG
- MENTAL HEALTH
- COMMUNITY
- VETERAN
- SEX OFFENSES
- DOMESTIC VIOLENCE





# What Are Domestic Violence Courts?

- In New York State, the first domestic violence courts were created in 1996
- New York's DV Courts are dedicated to enhancing victim safety and increasing offender accountability by facilitating victim access to needed services, providing judicial monitoring and promoting coordination among the justice system, community stakeholders and social service providers.

EARLY  
RESPONSES  
TO  
DOMESTIC  
VIOLENCE  
UNTIL 1990's

DV is private matter

Anger Management

Couples counseling

Children not impacted

Clergy counseling

## 1990's Federal and State Changes

New York State Domestic Violence  
Intervention Act

Federal Violence Against Women Act

Coordinated Community Response

Mandatory Arrest

## Context

In 2022 New York City Police Department 7,650 reports of domestic violence between intimate partners

Last year Courts in New York issued 366,306 orders of protection

# Key Components of DV Courts

- Dedicated judges- preside over cases through disposition, monitor offenders and ensure compliance with orders of protection, promote consistent case handling
- Resource coordinators- prepare victim and offender information for judges; screen offenders for court-mandated programs; coordinate with prosecutors, defense, and other stakeholders
- Specialized attorneys
- Training for stakeholders

# Why a Dedicated Focus Matters?

- Allows for particularly informed judicial decision-making
- Securing Order decisions and conditions
- Orders of Protection
- Dedicated calendar for monitoring compliance with court-mandated programs
- Scheduling hearings and trial
- Sentences

# The Impact of a DV Court

Time to resolution – reduced case processing time  
(197 to 260 days)

Modest positive impact on recidivism with **convicted**  
offenders

DV Courts that prioritize and implement specific  
policies to sanction noncompliance while meeting  
victim needs are the most effective in reducing  
recidivism

*Testing the Effects of New York's Domestic Violence  
Courts, Center for Court Innovation, Cissner, Labriola  
and Rempel (2013)*





## Application of Evidence Based Research in Court Process

- Specially-trained judges can use legal tools to address known DV risk factors and ensure compliance with orders of protection
- Risk factors include: use of drugs and alcohol, strangulation, access to firearms, unemployment, prior DV history

## Family Court Judicial Guide to Domestic Violence Risk Factors- Rev. 10/2023

Risk Factor	What to Look For	Legal Context
Context of Violence	<ul style="list-style-type: none"> <li>Was this the first time that something like this happened? If not, what happened before? How long ago?</li> <li>What was the <b>worst or most serious</b> thing that happened? Medical treatment needed?</li> <li>Has the physical violence increased in frequency or severity over the past year?</li> </ul>	Increased severity/ frequency of violence increases lethality and recidivism; FCA §842(h); medical costs can be allocated as per §828(4)
Employment	<ul style="list-style-type: none"> <li>Is there a recent loss of employment? Is the respondent unemployed or working in an illegal activity (selling drugs, etc)</li> </ul>	Unemployment increases lethality and recidivism. Illegal employment does not include working without documentation.
Substance Use	<ul style="list-style-type: none"> <li>Is there a history of substance misuse?</li> </ul>	Use of some illegal drugs and excessive drinking increase lethality and recidivism. Substance abuse/mental health programs can be ordered under §842(g).
Criminal and Family Court History	<ul style="list-style-type: none"> <li>Does the respondent have prior or pending criminal or family court cases?                             <ul style="list-style-type: none"> <li>✓ Criminal and Family Court check, OP registry, sex offender registry</li> <li>✓ Pending or prior Orders for Protection</li> <li>✓ Pending order of Support</li> <li>✓ Is there any outstanding warrant(s) for respondent?</li> </ul> </li> </ul>	Prior OPs/criminal history can be a risk factor for re-offending. FCA §814 provides for comm. bet. crim and civil; prior orders are relevant under §827(a)(vii). FCA §828 allows for inquiry of the parties of prior criminal history. Note: if there is an active criminal case, this case may be eligible for IDV court.
Relationship Status	<ul style="list-style-type: none"> <li>When did the relationship begin? When did it end?</li> <li>Where does each party live? Did they live together, if so when?</li> <li>Are they <b>recently separated</b>?</li> </ul>	Separation within the past year increases risk of lethality and recidivism. FCA §828 authorizes temporary child support and spousal maintenance; RPL 227-a allows victims to apply to landlords to terminate leases. FCA §842(j) allows for return of identification documents to the petitioner.
Firearms/ Weapons	<ul style="list-style-type: none"> <li>Does respondent have <b>access to a firearm or weapon</b>?</li> <li>Is there a firearm or weapon in the home?</li> </ul>	Respondent access to firearm and use or threatened use of

## Pre-Trial Release Conditions

- NY law permits judges as part of non-monetary release conditions to refer defendants to substance abuse, mental health and intimate partner violence programs under section 500.10(3-a)(f) of the Criminal Procedure Law
- New York City's pre-trial Supervised Release Program offers an intimate partner violence track including participation in the 3-hour long course "Tactics and Choices"

# Case Management

- Dedicated judges are also important for scheduling and trial management-witnesses may cease to cooperate in prosecutions with undue delay
- Create an appropriate and safe courtroom for victims of intimate partner violence to testify or give impact statements at sentencing
- Judges more able to supervise plea negotiations and appreciate relevant dynamics
- Use of resource coordinator to facilitate achieving a just resolution

# Judicial Monitoring/Compliance Calendar

- At sentencing, in addition to issuance of final Order of Protection, a DV Defendant may be ordered to comply with certain conditions/attend programs
- Defendant reports back to DV Court post-sentencing on “Compliance Calendar”
- DV resource coordinator links defendant to programming and monitors compliance

## Integrated Domestic Violence Court

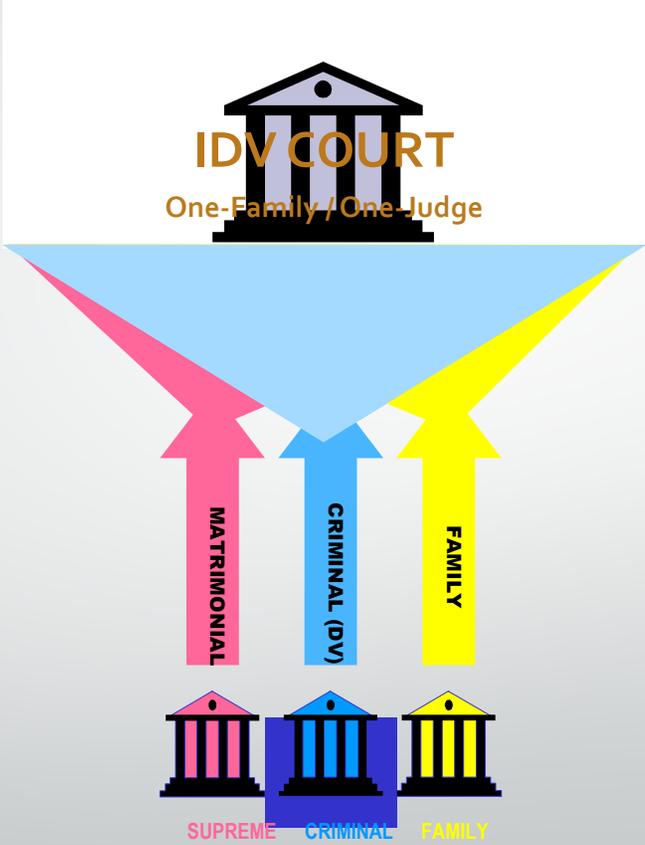
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“One Judge, One Family” Model-  
one judge hears criminal, custody  
and visitation, and divorce  
involving the same family

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IDV eliminates the need for three  
separate courtrooms and judges  
and allows all the related cases to  
be heard before one judge

# IDV Court Case Eligibility



# GOALS OF IDV COURTS

- Informed judicial decision-making;
- Consistent handling of multiple matters by a single presiding judge;
- Efficient use of court resources;
- Linkage to social services and other resources to address comprehensively the needs of family members including parents and children

## GOALS OF IDV COURTS cont.

- Promotion of victim safety through elimination of conflicting orders and decisions;
- Reducing inefficiency for litigants and by eliminating conflicting orders;
- Coordinated community response

## Legal Aspect Effect of DV in Civil Cases

- NY Law requires courts to consider DV in determining custody and visitation DRL 240(1)(a); FCA 651(b)
- NY Law allows judges to consider DV when fashioning an equitable distribution award DRL 236 Part B subd. 5 (d)(14)

# Application of Evidence Based Models in IDV Court

- Judge can again consider lethality factors when making decisions
- Judge can also consider social science related to children to assist decision-making in family and matrimonial matters
  - Neurological Impact of Domestic Violence on Children's Brain Development
  - Adverse Child Experiences (ACEs)

# Family Justice Center

- Case management
- Legal Assistance
- Counseling



# Reflection from IDV Stakeholders





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